

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	Case No. 1:05-CR-140
vs.	)	
	)	
RONALD MCCLURE	)	JUDGE COLLIER
	)	MAGISTRATE JUDGE CARTER

REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b), I conducted a plea hearing in this case on March 9, 2006. At the hearing, defendant entered a plea of guilty to Count One of the Bill of Information in exchange for the undertakings made by the government in the written plea agreement. On the basis of the record made at the hearing, I find the defendant is fully capable and competent to enter an informed plea; the plea is made knowingly and with full understanding of each of the rights waived by defendant; the plea is made voluntarily and free from any force, threats, or promises, apart from the promises in the plea agreement; that the defendant understands the nature of the charge and penalties provided by law; and that the plea has a sufficient basis in fact.

During the hearing, counsel for defendant stated defendant had no objection to the probation officer's request for a presentence psychological (psychosexual) evaluation. Therefore, I **RECOMMEND** the Court order such an evaluation. Also before the Court was a Motion to Leave Defendant on Appearance Bond Until Sentencing [Doc. No. 27]. The government filed a response [Doc. No. 29] to defendant's motion. After reviewing the response of the government, counsel for defendant stated defendant would no longer object to being detained pending sentencing. Therefore defendant's motion to remain on bond [Doc. No. 27] is **DENIED** and defendant's bond is revoked.

I **RECOMMEND** that defendant's plea of guilty to the Count One of the Bill of Information

be accepted, that the Court adjudicate defendant guilty of the charges set forth in Count One of the Information, and that the written plea agreement be accepted at the time of sentencing. I further recommend that defendant remain in custody until sentencing in this matter. Acceptance of the plea, adjudication of guilt, acceptance of the plea agreement, and imposition of sentence are specifically reserved for the district judge.

Dated: March 9, 2006

s/ Susan K. Lee  
SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

You have the right to de novo review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than ten days after the plea hearing. Failure to file objections within ten days constitutes a waiver of any further right to challenge the plea of guilty in this matter. See 28 U.S.C. §636(b).